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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

**CIVIL MINUTES - GENERAL**

Case No.	CV 11-1334 PSG (OPx)	Date	Sept. 2, 2011
Title	Tiles 4 Less, Inc. v. Michael John Phillion		

Present:	The Honorable Philip S. Gutierrez, United States District Judge
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Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

**Proceedings: (In Chambers) Order REMANDING case to state court**

On August 22, 2011, Defendant Michael John Phillion ("Defendant") filed a notice of removal of an unlawful detainer action brought by Plaintiff Tiles 4 Less, Inc. ("Plaintiff"). After reviewing Defendant's notice of removal and the underlying complaint, the Court finds that it lacks subject matter jurisdiction over this case. *See Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1116 (9th Cir. 2004) (observing that a court is required to consider *sua sponte* whether it has subject matter jurisdiction).

The Court recently rejected Defendant's first attempt to remove this matter to federal court, reasoning that there was no federal question asserted in the operative pleading, the parties were not diverse, and the amount in controversy was not satisfied. *See Tiles 4 Less, Inc. v. Michael John Phillion*, ED CV 11-0974 PSG (Opx), Dkt. # 9 (July 1, 2011). For the same reasons set forth in that Order, the Court finds that it lacks subject matter jurisdiction over this matter and therefore REMANDS the case.

**IT IS SO ORDERED.**